

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2000-25-T - ORDER NO. 2004-514

OCTOBER 20, 2004

IN RE:	Application of Motts Transportation, Inc.,)	ORDER
	1131 Old Church Road, Cordesville, SC)	REINSTATING
	29434 (District 6) for a Class C Charter Bus)	CERTIFICATE
	Certificate)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Motts Transportation, Inc. (“Applicant” or “Motts”) to reinstate Class C Charter Bus Certificate No. 0109 (“Certificate”). Certificate No. 0109 was issued to Motts by Commission Order No. 2000-0079, dated January 20, 2000.

By Commission Order No. 2003-564, dated October 1, 2003, issued in Docket No. 2003-265-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to file the required evidence of insurance and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of Certificates addressed in Order No. 2003-564 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above. The record reflects that Motts was a respondent to the Rule to Show Cause for failure to file the required evidence of insurance.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Wednesday, November 12, 2003, at 2:30 p.m. The Commission found that the Certificates of Public

Convenience and Necessity held by certain carriers should be revoked and cancelled for the continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to maintain insurance coverage as required. Accordingly, the Commission issued Order No. 2003-683, dated December 1, 2003, which cancelled Motts' Certificate No. 0109.

By letter received April 27, 2003, Motts advised the Commission that due to health problems Motts was unable to contact the Commission in sufficient time to avoid revocation of its Certificate. Motts requested that the Certificate in question be reinstated. Accordingly, the Commission issued Order No. 2004-234, dated May 4, 2004, which reinstated Motts' Certificate. Subsequently, Motts filed on June 23, 2004, a request to withdraw the prior request for reinstatement, hence the Commission issued Order No. 2004-340, dated July 21, 2004, which dismissed Motts' request for reinstatement and again rescinded Motts' authority to operate as a motor carrier in South Carolina.

By request filed on October 14, 2004, Motts' once more requests that Certificate No. 0109 be reinstated. According to Motts, the problems which the Applicant had encountered have been rectified, and Motts is now ready to begin operation.

Upon consideration of the Application, the Commission is of the opinion, and so finds, that the above-mentioned Certificate should be reinstated, subject to compliance with all the applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Class C Charter Bus Certificate No. 0109 in the name of Motts Transportation, Inc. be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.

2. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and an acceptable safety rating, the motor carrier services authorized by the Certificate shall not be provided.

4. That the failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the Commission proof of appropriate insurance and an acceptable safety rating and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, shall result in the authorization approved in this Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)